

BEFORE THE
SHORELINES HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
SEA-LAND SERVICE, INC.,)
(SS SEA-LAND TRADE))
Appellant,)
v.)
PUGET SOUND AIR POLLUTION)
CONTROL AGENCY,)
Respondent.)

PCHB No. 667

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

THIS MATTER being an appeal of a \$250.00 civil penalty for an alleged smoke emission violation of respondent's Regulation I; having come on regularly for hearing before the Pollution Control Hearings Board on the 5th day of December, 1974, at Seattle, Washington; and appellant did not appear and respondent, Puget Sound Air Pollution Control Agency, appearing through its attorney, Keith D. McGoffin; and Board members present at the hearing being Walt Woodward (presiding) and Chris Smith and the Board having considered the sworn testimony, exhibits, records and files herein and having entered on the 9th day of December, 1974,

1 its proposed Findings of Fact, Conclusions of Law and Order, and the
2 Board having served said proposed Findings, Conclusions and Order upon
3 all parties herein by certified mail, return receipt requested and twenty
4 days having elapsed from said service; and

5 The Board having received no exceptions to said proposed Findings,
6 Conclusions and Order; and the Board being fully advised in the premises;
7 now therefore,

8 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that said proposed
9 Findings of Fact, Conclusions of Law and Order, dated the 9th day of
10 December, 1974, and incorporated by this reference herein and attached
11 hereto as Exhibit A, are adopted and hereby entered as the Board's
12 Final Findings of Fact, Conclusions of Law and Order herein.

13 DONE at Lacey, Washington, this 7th day of January, 1975.

14 POLLUTION CONTROL HEARINGS BOARD

15 Walt Woodward
16 WALT WOODWARD, Chairman

17 Chris Smith
18 CHRIS SMITH, Member

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26 FINAL FINDINGS OF FACT,
27 CONCLUSIONS OF LAW
AND ORDER

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
SEA-LAND SERVICE, INC.,)
(SS SEA-LAND TRADE))
Appellant,)
vs.)
PUGET SOUND AIR POLLUTION)
CONTROL AGENCY,)
Respondent.)

PCHB No. 667

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

This matter, the appeal of a \$250.00 civil penalty for an alleged smoke emission violation of respondent's Regulation I, came before the Pollution Control Hearings Board (Walt Woodward, presiding officer, and Chris Smith) at a formal hearing in the Seattle facility of the State Board of Industrial Insurance Appeals on December 5, 1974.

Respondent appeared through its counsel, Keith D. McGoffin. Appellant did not appear. Eugene Barker, Olympia court reporter, recorded the proceedings.

After waiting for 15 minutes after the time set for the hearing,

EXHIBIT A

1 the Board instructed Mr. McGoffin to present testimony to sustain
2 respondent's case. A witness was sworn and testified. Exhibits were
3 admitted.

4 From testimony heard and exhibits examined, the Pollution Control
5 Hearings Board makes these

6 FINDINGS OF FACT

7 I.

8 Respondent, pursuant to Section 5, chapter 69, Laws of 1974,
9 3rd Ex. Sess., has filed with this Board a certified copy of its
10 Regulation I containing respondent's regulations and amendments thereto.

11 II.

12 Section 9.03 of Regulation I makes it unlawful to cause or allow
13 the emission for more than three minutes in any one hour of an air
14 contaminant which has an opacity of more than 40 percent. Section
15 3.29 of Regulation I authorizes a civil penalty of not more than \$250.00
16 for a violation of Regulation I.

17 III.

18 On July 20, 1974, at Terminal 5, Port of Seattle, King County,
19 the SS SEA-LAND TRADE, owned by appellant, emitted white smoke of an
20 opacity from 80 to 100 percent for eight consecutive minutes.

21 IV.

22 An inspector on respondent's staff, called to the scene by a
23 citizen complaint, observed the emission and served on appellant
24 Notice of Violation No. 9793, citing Section 9.03. Subsequently, and
25 in connection therewith, respondent served on appellant Notice of
26 Civil Penalty No. 1683 in the sum of \$250.00, which is the subject

27 FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

1 of this appeal.

2 V.

3 Any Conclusion of Law hereinafter recited which should be deemed
4 a Finding of Fact is hereby adopted as such.

5 From these findings, the Pollution Control Hearings Board comes
6 to these

7 CONCLUSIONS OF LAW

8 I.

9 Appellant was in violation of Section 9.03 of respondent's
10 Regulation I as detailed in Notice of Violation No. 9793.

11 II.

12 In view of the circumstances, Notice of Civil Penalty No. 1683
13 is reasonable.

14 III.

15 Any Finding of Fact, which should be deemed a Conclusion of Law
16 is hereby adopted as such.

17 Therefore, the Pollution Control Hearings Board issues this

18 ORDER

19 The appeal is denied and the civil penalty of \$250.00 is sustained.

20 DONE at Lacey, Washington, this 9th day of December, 1974.

21 POLLUTION CONTROL HEARINGS BOARD

22 Walt Woodward
23 WALT WOODWARD, Chairman

24 Chris Smith
25 CHRIS SMITH, Member
26

27 FINDING OF FACT,
CONCLUSIONS OF LAW
AND ORDER